

## Message Text

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PAGE 01 BERN 00531 101314Z

ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W  
-----101324Z 124083 /50

P R 101230Z FEB 77

FM AMEMBASSY BERN

TO SECSTATE WASHDC PRIORITY 3877

INFO AMEMBASSY BONN

C O N F I D E N T I A L B E R N 531

EXDIS

EO 11652: GDS

TAGS: SZ GW PINS

SUBJ: REQUEST BY DEFENDANT IN HAMBURG TRIAL THAT AMB DAVIS  
BE CALLED AS A WITNESS ON CLANDESTINE TRANSFERS OF CURRENCY  
AND/OR MATERIAL TO PRO-WEST FACTIONS IN ANGOLA

1. GERMAN EMBASSY POLITICAL COUNSELOR EITEL CALLED ON  
THE AMB ON FEB 8 TO CONVEY, INFORMALLY, A  
REQUEST THE GERMAN EMBASSY HAD RECEIVED FOR INFO  
IN CONNECTION WITH A CASE BEING TRIED IN HAMBURG. THE  
DEFENDANT, HANS-JURGEN ARTHUR MARTIN ENGLER, IS SEEKING  
TO CALL AMB DAVIS AS A WITNESS. THE TEXT OF THE  
REQUEST, ADDRESSED TO THE GERMAN AMB, IS AS  
FOLLOWS: (EMBASSY TRANSLATION)

QUOTE: THE HAMBURG SUPERIOR COURT, CRIMINAL DIVISION 18,  
HAS BEEN TRYING SINCE NOV 16, 1976, A MAJOR ECONOMIC  
CRIMINAL CASE AGAINST HANS-JURGEN ARTUR MARTIN ENGLER,  
BORN NOV 9, 1936, IN RECKLINGHAUSEN, LATELY  
RESIDING AT KARLSTRASSE 38, HAMBURG 76 AND OTHER  
DEFENDANTS. IN THE MAIN TRIAL, ENGLER HAS  
SOUGHT, AMONG OTHER EVIDENCE SUBMITTED, TO CALL AS A  
WITNESS: MR NATANIEL DAVIS, CURRENTLY AMB  
OF THE USA IN BERN. THE WITNESS COULD TESTIFY THAT IN  
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PAGE 02 BERN 00531 101314Z

MAY/JUNE 1975, AS ASSISTANT SECRETARY OF STATE FOR  
AFRICAN AFFAIRS IN THE DEPT OF STATE, WASHINGTON,  
DC, US, HE ISSUED INSTRUCTIONS TO OBTAIN, BY MEANS  
OF A LETTER OF CREDIT WITH THE NETHERLANDS BANK, JOHANNESBURG,  
SOUTH AFRICA, WEAPONS, JEEPS, AND MEDICAL SUPPLIES FOR  
AN ARMY OF LIBERATION IN AFRICA (FNLA-LEADER DR HOLDEN  
ROBERTO AND UNITA-LEADER DR JONAS SAVIMBI) AND THAT

THIS LETTER OF CREDIT WAS AT ENGLER'S DISPOSAL FOR THE  
MAKING OF PURCHASES.

THE COURT MUST EXAMINE THE OFFERING OF EVIDENCE. IS-SUANCE OF AN IMMEDIATE SUMMONS (CITATION, SUBPOENA), IN THE EVENT IT COULD NOT BE ENFORCED, WOULD INVOLVE CONSIDERABLE EXPENDITURE OF TIME AND MONEY THAT MIGHT BE AVOIDED. I THEREFORE REQUEST THAT YOU INQUIRE THERE BEFOREHAND WHETHER AMB DAVIS WOULD BE ABLE TO OFFER ANY TESTIMONY CONCERNING THESE ALLEGATIONS. DOES HE KNOW ENGLER? IS THERE (WAS THERE?) ANY CORRESPONDENCE OR TRANSFER OF MONEY? IS AMB DAVIS PREPARED TO OFFER A WRITTEN DEPOSITION CONCERNING THE MATTER AND, IF SO (OR, IF NEED ARISES), TO REPEAT HIS TESTIMONY BEFORE A JUDGE IN BERN? WAS ENGLER ABLE TO MAKE USE OF THE LETTER OF CREDIT ENTIRELY OR IN PART FOR HIS OWN PURPOSES;

I SHOULD LIKE TO ASK, INCIDENTALLY, THAT YOU INFORM THE WITNESS THAT HIS TESTIMONY CAN BE OF CONSIDERABLE SIGNIFICANCE TO THE OUTCOME OF THESE PROCEEDINGS.

I ASK YOUR KIND UNDERSTANDING OF THIS REQUEST.  
IN VIEW OF THE LIMITED PERIOD OF TIME AVAILABLE TO THE COURT, I CONSIDER IT ESSENTIAL TO MAKE SUCH AN INQUIRY BEFORE ISSUING AN (OFFICIAL) REQUEST FOR LEGAL ASSISTANCE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BERN 00531 101314Z

THE COURT MUST CONCLUDE THE MAIN TRIAL IN THE NEXT FEW WEEKS. I THEREFORE REQUEST THAT YOU KINDLY CONDUCT THE REQUESTED INQUIRY AT ONCE AND INFORM THE DIVISION OF THE RESULTS AS SOON AS POSSIBLE. ENCLOSURES: 4 PHOTOGRAPHS OF ENGLER. WITH HIGHEST CONSIDERATION (SIGNATURE) (DR GLAGE), PRESIDING JUDGE, SUPERIOR COURT. UNQUOTE

2. THE PHOTOSMENTIONED IN THE LETTER HAVE BEEN SENT BY INTERNATIONAL AIR MAIL TO EUR/CE.

3. THE AMB TOLD EITEL THAT HE HAS NO RE-COLLECTION OF EVER HAVING MET ENGLER AND IN ANY CASE HAD NOTHING TO DO WITH ANY TRANSACTION SUCH AS THAT DESCRIBED. THIS WAS, HOWEVER, A PERSONALSTATEMENT FOR EITEL'S OWN INFO AND NOT AN OFFICIAL RESPONSE SUITABLE FOR COURT USE. THE AMB UNDERTOOK TO OBTAIN INSTRUCTIONS FROM THE DEPT. EITEL SAID IT SEEMED POSSIBLE THAT THIS INFORMAL REQUEST MIGHT

BE FOLLOWED BY AN OFFICIAL REQUEST FOR JUDICIAL ASSISTANCE. HE ALSO SAID THAT THE AMOUNT OF MONEY INVOLVED, NOT STATED IN THE LETTER FROM THE JUDGE, IS 18 MILLION DM (ABOUT \$7.4 MILLION).

4. ACTION REQUESTED AND AMB'S COMMENT: PLEASE PROVIDE US WITH THE BASIS FOR A RESPONSE TO THIS REQUEST. I AM OR COURSE PREPARED TO RESPOND TO THE GERMAN AUTHORITIES AND GIVE A DEPOSITION IF THIS IS THE DEPTS DESIRE. I WOULD IN THAT CASE FORMALLY AFFIRM WHAT I INDICATED TO EITEL INFORMALLY. THE DEPT WILL WISH TO CONSIDER THE POSSIBILITY WHETHER A FORMAL SET OF QUESTIONS FOR A DEPOSITION WOULD ASK ESSENTIALLY WHAT IS ASKED BY THE HAMBURG PRESIDING JUDGE OR SEEK TO PROBE US POLICY TOWARD ANGOLA AT THAT TIME. IN THIS CONNECTION IT IS WORTH NOTING THAT THE TIME FRAME ALLEGED WAS MAY/JUNE 1975.

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PAGE 04 BERN 00531 101314Z

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## Message Attributes

**Automatic Decaptoning:** Z  
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